

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SMART COMMUNICATIONS	:	Civil No. 1:21-CV-01708
HOLDING, INC., <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
GLOBAL TEL-LINK CORPORATION,	:	
<i>et al.</i> ,	:	
	:	
Defendants.		Judge Jennifer P. Wilson

ORDER

AND NOW, on this 13th day of May, 2024, in accordance with the accompanying memorandum, **IT IS ORDERED AS FOLLOWS:**

1. The holdings reached prior to appeal and undisturbed by the Third Circuit, Doc. 96, remain in effect. Specifically, York County Defendants' motion to dismiss, Doc. 28, is **GRANTED**. Specifically, Count I is dismissed as to York County Prison, dismissed as to Warden Ogle, and dismissed as to York County.¹
2. GTL's motion to dismiss, Doc. 29, is **GRANTED IN PART** and **DENIED IN PART**. Specifically, Count I is dismissed without

¹ The court notes that because Plaintiffs forfeited their right to amend their pleadings as a matter of course by standing on their complaint, they can no longer amend the complaint as of right. Plaintiffs remain free to move the court to amend the complaint as an exercise of the court's discretion. *Newark Branch, N.A.A.C.P. v. Town of Harrison, N.J.*, 907 F.2d 140, 1416–17 (3d Cir. 1990).

prejudice as to GTL. Count II will proceed. Count III is

DISMISSED WITH PREJUDICE.

3. Count IV is **DISMISSED** for the reasons stated in Doc. 95.
4. A status conference is scheduled for **June 17, 2024, at 11:30 a.m.** to discuss the status of this case. The parties shall call-in to the conference calling number 877-336-1828, using the access code 2529544.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Judge
Middle District of Pennsylvania